

Meeting of 2005-12-20 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
DECEMBER 20, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, Deputy City Attorney
 Traci Hushbeck, City Clerk
 COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by the Pastor Stephen Hale, St. Paul s United Methodist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four

Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

AWARD OF COMMENDATION TO MANNY CRUZ.

Greg Buckley, Assistant City Manager, stated that Mr. Cruz has been employed with the city since 1991. He stated that on November 15, 2005, Mr. Cruz came across a small girl running in the street, and when he stopped to investigate he discovered a house fire. He assisted all the children at the home and made sure they were safe. Because of his actions on that day, the family remained safe.

Mayor Purcell presented Mr. Cruz with an Award of Commendation recognizing his actions.

Mr. Cruz stated in 1991 he came to Oklahoma to visit and he stayed. He has enjoyed working for the City of Lawton and living in this community. He stated within a week and a half the community provided the property owner with everything he needed. Today the family is happy in a home. He stated he was honored with this award.

PRESENTATION OF EMPLOYEE OF MONTH TO MANNY CRUZ , CODE ENFORCEMENT OFFICER, IN THE NEIGHBORHOOD SERVICES DIVISION FOR THE MONTH OF DECEMBER.

Buckley stated that Mr. Cruz is also being recognized as the employee of the month for December 2005.

Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin.

AFTER ACTION REVIEW REPORT FROM OKLAHOMA STATE DEPARTMENT OF HEALTH ON STATEWIDE BIOTERRORISM EXERCISE HELD IN JULY 2005.

Jillian Bradshaw, Southwest Region Emergency Response Planner from the Oklahoma State Department of Health, stated it has been six months since the statewide bioterrorism exercise. They have received comments from the Centers for Disease Control and have evaluated the state s progress. The goal for the state was to reach a green level of preparedness. Prior to the exercise, Oklahoma was sitting at an amber plus level of preparedness. The assessment team stated that the overall preparedness level for the state of Oklahoma will remain at an amber plus level. At the local level, prior to the exercise we were give an amber level, and since the exercise it has been raised to an amber plus level of preparedness. The CDC commented that the exercises in Comanche county were excellent and all three points of dispensing were highly innovative. They requested any available video of the

exercises be reproduced for viewing by the other regions in the state. Lawton's exercise was the only part of the entire CDC report that was not given any type of constructive criticism or recommendations for improvement. Comanche County also received an award from the Oklahoma State Department of Health.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Mayor Purcell requested item 3 be considered separately.

MOVED by Shanklin, SECOND by Warren, to approve the Consent Agenda items as recommended with the exception of item 3. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Shirley Slaback in the amount of \$1,525.00. Exhibits: Legal Opinion/Recommendation.
2. Consider approving plans and specifications for the Water Storage Tanks Renovation & Maintenance Project #2005-6 and authorizing staff to advertise for bids. Exhibits: None.
3. Consider terminating three (3) agricultural leases between Kevin Holbrook and the City of Lawton for tracts L-1, L-6 and L-7 due to non-payment of rent and authorize the City Attorney to take legal action to recover costs. Exhibits: Payment request letters (3). Surface sub-lease contracts are on file in the City Clerk's office.

Jensen stated that Mr. Holbrook came to the City Attorney's office the day before and made a payment of \$1,216.00 for past due rent. He has promised to pay the remainder of the past due rent by January 31st. He also promised to pay the rent for the next calendar year by February 28th. Staff is requesting that no action be taken on this item and give Mr. Holbrook a chance to fulfill his promise. If he fails to make payment this item will be brought back to the City Council in March.

Patton questioned if the City Council should authorize staff to take legal action if Mr. Holbrook does not fulfill his promise.

Jensen stated Mr. Holbrook did sign a promissory note and he would like to give him the opportunity to fulfill that promissory note.

MOVED by Shoemate, SECOND by Warren, to take no action on this item. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

4. Consider declaring a single tract of land described as Lots 12 through 31 of Block 3 of Plainview Addition as surplus property, and authorize the tract to be sold at public auction and set a minimum bid of Ten Thousand Dollars (\$10,000.00). Exhibits: Request letter and Location map.
5. Consider entering into a Memorandum of Understanding with the Oklahoma Department of Wildlife Conservation state office for the purpose of expanding the Close to Home Fishing programs on Lake Helen and authorize the Mayor and the City Clerk to execute the same. Exhibits: Memorandum of Understanding.
6. Consider awarding (CL06-025) Self-Contained Breathing Apparatus (SCBA) Parts to Wayest Safety, Incorporated, of Oklahoma City, Oklahoma. Exhibits: Abstract of bids and department recommendation.
7. Consider awarding (CL06-021) Hydraulic Excavator to C. L. Boyd Co., Inc., of Oklahoma City, Oklahoma. Exhibits: Abstract of bids and department recommendation.
8. Consider awarding (CL06-018) Directional Boring System to Vermeer Great Plains, Inc. (Bid #2), of Oklahoma City, Oklahoma. Exhibits: Abstract of bids and department recommendation.
9. Consider approval of payroll for the periods of November 21 - December 4, 2005. Exhibits: None.

OLD BUSINESS ITEMS:

10. Consider denying requests for the installation of traffic control measures on SW 68th Street at Baywood Drive and SW 68th Street at Anglewood Drive. Exhibits: Traffic Commission Minutes.

MOVED by Haywood, SECOND by Patton, to deny the request for the installation of traffic control measures on SW 68th

Street at Baywood Drive and SW 68th Street at Anglewood Drive. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

BUSINESS ITEMS:

Mayor Purcell requested that item #16 be addressed.

16. Consider a request from Newton, Oldacre, McDonald regarding the City of Lawton's participation in the cost of offsite infrastructure improvements for the proposed Wolf Creek Town Center development at 82nd & Cache Road; and take appropriate action as deemed necessary. Exhibits: Wolf Creek Town Center Off-site Improvements Budget Estimates (dated 11-30-2005), Map of proposed Wolf Creek Town Center, Letter to Gary Bush from John Vincent, City Attorney (dated 11-15-2005), Agenda Item #21, November 8, 2005 Council Meeting, Minutes, November 8, 2005 Council Meeting, Agenda Item #21, Letter from Newton Oldacre McDonald (dated 10/25/2005), Estimated Sales Tax Revenue to be Generated by the Development (dated 9-15-2005) and Legal Opinion 05-07 (dated 11-01-2005).

Mitchell stated that there has been a request from the developer for the Council to consider paying for the offsite improvements that are scheduled for their development at 82nd & Cache. He stated that there is an estimate of costs from Mr. Oldacre that totals approximately \$1.5 million as his engineers estimate for that offsite improvement work. He stated that staff has met with legal counsel, bond counsel and the financial advisor and there is the ability to issue a revenue bond, sell the bond to the developer and use the proceeds of that bond to make those improvements. There are two fundamental questions that must be answered: 1) does the offsite improvements meet the definition of public purpose. For the most part they do, but there will have to be some discussion with the developer regarding the storm drainage proposal that he has submitted and 2) if those improvements are declared to be a public purpose, does the City Council wish to proceed with making the arrangements under the Lawton Industrial Development Authority to structure an agreement with the developer.

Mayor Purcell stated that Mr. Chuck Wade and John Mackey, representing the developer, are in the audience to answer any questions the Council may have.

Patton requested clarification on how the bonds will be issued.

Mitchell stated that staff would structure an agreement that would allow the City of Lawton to issue a revenue bond which will be purchased by the developer. The proceeds from that bond sale will be used by the City of Lawton to complete those offsite improvements. At some later date, if the developer met conditions structured by the City Council, he may or may not be reimbursed for any or all of those costs. The developer is acting as the city's bank. He stated there is a question as to whether all those items listed in the developer's estimate are in fact public improvements. The primary issue is if the City Council is interested in participating in this arrangement and interested in reimbursing the developer in the future.

Warren stated that the item before the City Council tonight does not concern any of the percentages, time or conditions of payment, but does the City Council want staff to move forward with this discussion.

Mitchell stated the primary question is if the City Council wishes staff to draft an agreement for their consideration.

Shanklin questioned how this would be paid back.

Mitchell stated this would be paid back to the developer through the collection of future sales taxes.

Shanklin questioned how they would know what the future sales taxes of those 30-40 entities.

Mitchell stated they look at the tenant list and calculate it with a national formula for square footage and gross sales. They estimate the project will generate \$6 million once all three phases of the development are completed.

Shanklin stated that Mr. Oldacre told the City Council that they are not looking for any money up front. He stated we know what the sales taxes have been for the last ten years and no one is going to know what Wal-Mart or Target generates. The city is going to generate so many dollars, but if this is going to take away downtown Lawton, he cannot support this issue. They just cannot kill the east side and the central corridor. This could take millions away from other businesses in town.

Jackson stated that he believes this is just the beginning of a lot of good things coming to Lawton. Nothing has brought as much excitement to Lawton as this project. He questioned if they sell the revenue bonds and the developer decides not to build, what happens at that point.

Mitchell stated that we have their money. No money will be turned over to the developer until they meet all the conditions of the agreement. There will be thresholds and triggers for that repayment.

Jackson stated that it is important for the public to understand that we will not hand them \$1.5 million in hopes that they build.

Patton stated he understands Mr. Shanklin's concerns, but the wording of the contract will alleviate many of those concerns. This will not be a transfer of tax dollars. In his personal opinion, he feels it will enhance the mall. The mall is completely different now than it was ten years ago with enhancements and improvements, it is a very thriving place. He believes this development will add to the quality of life. They are talking about different retailers and he believes that those tenants in the mall will not be packing it up to move out to 82nd Street. This will be new retailers and will be an exciting time for Lawton.

Warren stated they do not have a lot of experience being in the driver's seat and they have the ability to create a document that will protect the citizens of Lawton. We will be able to tell them how and when we are willing to pay it back and if they don't agree, they can go on and do something else.

Jackson stated that contrary to the print media, the Council is not giving them money to develop this property, but they are reimbursing them for infrastructure problems that will be occurring when this shopping center is built. They can build this project without doing any of this infrastructure work and the City of Lawton would be responsible anyway. This is a good opportunity to get the work done in advance with their money and we reimburse them over a period of time.

Shanklin stated he disagreed with the statement that we would be responsible for it anyway. That is not true. They need to look at 67th Street in front of Wal-Mart and see what we did for them.

Jackson stated that Wal-Mart did that work.

Givens stated he requested staff develop a chart based on sales tax for the last five years. According to that chart, there was a 3% average increase each year for the past five years. He wants to be sure that when staff works on the formula they need to calculate the history of those increases.

Patton questioned what that translates to in dollars.

Givens stated the tax for 2004-2005 was \$17,476,000 and 3% would calculate at a little over \$500,000. Sales tax will increase on its own, and that is not taking into consideration population. He stated he is already hearing rumors that the tenants in the mall will not renew their leases and move to the new shopping center. He stated that when Mr. Oldacre spoke to the City Council, he indicated that these were all new stores, none of which were currently in Lawton.

Mayor Purcell stated that there is one exception, Old Navy will be relocating from the mall.

Givens stated he cannot support something that just transfers a lot of stores out of the mall. The whole proposition to him is that these are new stores so that residents don't have to go to Oklahoma City or Wichita Falls to shop.

Patton stated he believes that is not the intention of the developer to relocate stores. They need to look at the mall as a self-sustaining entity and there has been a tremendous change over the last few years. He thinks this will just enhance the experience of people coming to shop in Lawton.

John Mackey, representative for Newton, Oldacre, McDonald, stated that nobody will lose if the terms of this agreement are not met. They are not asking for anything exclusive and if the sales tax numbers increase they want to ask for credit because they would have created public improvement that will help the residents of Lawton.

Shanklin questioned why they wanted us to issue bonds.

Mr. Mackey stated the reason to sell the bonds is to get the cash money.

Shanklin stated that the developer has \$48 million, why are they hurting to get \$2 million.

Mr. Mackey stated the developer has the opportunity to get \$1.5 million back over a period of time, after the fact, if the sales tax revenue generates enough of an increase and benefit to Lawton and Comanche County. If there is no increase, he does not get that money back. There is no downside. He stated the City Council needs to seize the opportunity to make this a better place. Everyone goes some place else to Christmas shop, and they need to support Lawton.

Jackson stated that they are required to examine every aspect of taxpayers' dollars and that is the reason for these questions.

Mr. Mackey stated the developer cannot guarantee that taxes will go up or down, but he is going to try by bringing in good retailers that will result in residents from surrounding communities coming to shop in Lawton. No one will lose as long as the contract is good, the city puts no money up front and the projects are for the public good. He stated the improvement budget is only an estimate, and they are asking that the concept be approved, not the exact dollars.

Shanklin questioned if this will be a bond.

Mitchell stated they will need to discuss this issue with the bond counsel, but they believe the preference will be a revenue bond. It may be a financial note, but the instrument will work in the same fashion as a revenue bond.

MOVED by Patton, SECOND by Warren, to direct staff to negotiate with Newton, Oldacre, McDonald and bring back a contract for City Council approval. AYE: Shanklin, Patton, Haywood, Warren, Drewry, Jackson. NAY: Shoemate, Givens. MOTION CARRIED.

11. Consider awarding a construction contract to Briggs Rainbow Buildings, Inc. dba BRB Roofing for the Fire Station #3 and Fire Station #4 Re-roofing Project #2005-14 and authorizing additional funding for this project. Exhibits: None

Jerry Ihler, Public Works Director, stated at the November 8th City Council meeting the City Council approved plans and specifications for the re-roofing for Fire Station #3 and Fire Station #4. On December 6th, staff received open bids. They received two bids, the lowest being Briggs Rainbow Building, Inc. in the amount of \$144,300. Funding is available in the Fire Department Capital Outlay budget, Fund 35 City Wide Roof project and the insurance fund. He stated it is staff's recommendation to award the project to the low bidder, Briggs Rainbow Buildings, Inc.

Shanklin questioned why they were sold on a metal roof. He thought they were going to bring back a built up roof. It bothers him that this is really only one person bidding, and it is not fair to the taxpayers. What they are paying is somewhere around \$125 a square foot. He does not like it.

Jackson questioned if staff received any alternative bids for the single-ply hypalon roof.

Ihler stated staff brought to the City Council on November 8th specifications for a metal seam roof and that is what was approved and that is what was bid.

Shanklin stated he went out to Public Works to look at those specifications, but he never received a copy.

Ihler stated the specifications were approved on November 8th, but were not passed out at the meeting.

Shanklin stated he went out to see what was in the specifications because they went through the same thing at the museum. He stated that the \$1,500 that was previously paid to BRB was a joke and they were not entitled to that money. If this contract is awarded the \$1,500 should be deducted. The City paid them for the work that was done getting this project ready to go. Now it is not an emergency. The City Council has a fiduciary responsibility. Do they want to give \$125 a square foot.

Ihler stated it is actually about \$13.25 a square foot.

Shanklin stated he meant \$125 a yard.

Patton stated he believes we would be better off with a metal roof.

Jackson stated that a metal roof will leak. There are numerous buildings in town that have had to put on a rubber coating to seal them because over a period of time, seams and grommets will separate. They will have to have some work done to it in the future. He stated around town the school system is using a single ply hypalon rubber roofing material, not a metal roofing system. The cost is around \$3 a square foot.

Patton questioned if these were flat roofs.

Jackson stated they have a small slope. Starbucks just finished using this system.

Shanklin stated there are other ways to get us 20 years down the road rather than buying the Cadillac. He would like to include in a motion that they deduct the \$1,500 that was previously paid to BRB.

MOVED by Warren, SECOND by Haywood, to award a construction contract to Briggs Rainbow Buildings, Inc. dba BRB Roofing for the Fire Station #3 and Fire Station #4 re-roofing project #2005-14 in the amount of \$144,300.

SUBSTITUTE MOTION by Shanklin, SECOND by Shoemate, to award the contract to Briggs Rainbow Buildings, Inc. for

\$144,300 but deduct the \$1,500 previously paid.

Warren questioned if they had the ability to award a contract with an exception.

Jensen stated they did have the ability to award a contract at a reduced amount.

Ihler stated the bid for Fire Station #4 came in \$700 less than last time. He did not know if that was part of the \$1,500 that he had already been paid.

VOTE ON SUBSTITUTE MOTION: AYE: Drewry, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: Jackson, Givens. MOTION CARRIED.

12. Consider issuing a revocable permit for the installation of a parking lot with retaining walls to serve a new medical office building at 1401 SW Park Ridge. Exhibits: Application and site plan, Map of permitted area and Communications from AEP, Centerpoint Energy and Director of Public Works.

Richard Rogalski, Planning Director, stated an Application for Revocable Permit has been submitted by Park Ridge Properties, LLC. The request is to use the utility and drainage easements adjacent to Lots 1 and 2, Block 11, Park Ridge Commercial Addition to retaining walls and a parking areas for medical office building.

This application has been reviewed by the appropriate city departments and private utility companies. Several objections were raised to the issuance of the permit so their initial recommendation was for denial. Since that time the objections have been alleviated and the developer has worked everything out with the utility companies and city agencies. Staff is now recommending approval of the revocable permit.

Mayor Purcell stated those changes were distributed to each councilmember before the meeting.

MOVED by Givens, SECOND by Haywood, to approve the issuance of the Revocable Permit to Park Ridge Properties, L.L.C. for 1401 SW Park Ridge. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

13. Consider amending Section 17-1-3-124, Division 17-1-3, Article 17-1, Chapter 17, Lawton City Code, 1995, to allow preference to be given to City of Lawton residents when all applicants for a position are equally qualified, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____; Spreadsheet detailing residence of new-hires October 2005 through December 6, 2005. (Updates through December 20, 2005 to be handed out to each council member at the City Council meeting.)

Jim Scholes, Human Resources Director, distributed an updated list of new hires.

Jackson stated he attempted to change the city charter to try and get a radius drawn for safety reasons which was not a consensus of the City Council. At that time the City Council agreed to bring back this issue in this method and he believes it is a great idea.

Mayor Purcell questioned how this ordinance will be enforced. How will they determine that everything is equal between applicants. He knows this will cause a flap and the Council will become involved.

Scholes stated that will depend on how much control the Council will place on this issue. Currently in some key positions they use the matrix system, key qualifications, key answers, and a point assessment by all those involved in the interviews. He personally feels that this is not needed in every position. He hoped that there is enough faith in department heads to allow some decisions at their level. He stated the list distributed reflected hiring numbers without any outside influences.

Jackson stated with minor guidance from the City Council, the Human Resources Director and department heads can deal with these issues.

Givens questioned if the proposed ordinance would have made any difference on the current list of hires that was distributed.

Scholes stated from that list 75.8% are from Lawton with the current hiring practice. He does not think that would have changed with the proposed ordinance.

Shanklin stated they need to consider all those living in Comanche County. He does not mind people living in Elgin and Cache working in Lawton.

Jackson stated they have not gotten to the step of discussing radius. He fully intended to have the radius include Comanche County.

Shanklin stated he does not understand why the City Manager cannot make these decisions. If we want to hire from the county, not Norman, Anadarko, Godebo, etc., the City Manager should make that decision. The department heads have been doing it.

Givens stated he does not see the point in giving preference.

Jackson stated the point in the preference was given because 55% of the firefighters live outside of Lawton. It is not fair that the prime jobs the City of Lawton has to offer are going to those who do not live here and pay taxes.

Givens stated as long as they are doing their job, he does not care where they live.

Jackson stated that over 40% of the police officers live outside the city limits. Those are the prime jobs that the City of Lawton has to offer.

Warren questioned what was to preclude a firefighter or police officer from moving out of Lawton once they are hired. He understands the concept, but there will be nothing but problems because people will be moving out or using a local address just to get the job. If they want the job that bad they will have a residence to get the job and then they will go back to where they are from.

Mayor Purcell questioned what the City Council wants to happen to that police officer or firefighter that is hired and then moves outside the city limits.

Jensen stated this ordinance does not address this issue.

Shoemate stated he has had the fire department literally save his life twice and he didn't ask that person if they were from Cache or Lawton. He wants the best man or woman for the job and he doesn't care where they are from. He wants good people representing the City of Lawton in any department.

Warren stated it seems that in one agenda item they are talking about the surrounding communities coming to Lawton to spend their money, but heaven forbid we let them work here. They need to be very careful that they don't talk about people being on call. They cannot consider the fact that they live in Lawton and that they are on call for an emergency.

Shanklin stated there certainly are some guidelines in case of a catastrophe.

Warren stated there can be a requirement on how long it can take to address their job, but they can't be on call.

Mitchell stated that if this is something the City Council is interested in, they can make it work. He personally does not feel there is a problem recruiting in Comanche County except in certain jobs, such as engineers. His only concern is that if the ordinance is passed, they will have to develop a matrix or some sort of interviewing tool to use as they go through the hiring process. It will be a rare occasion when two applicants for the same job have equal qualifications and experience. This will reinforce the intent on hiring locally, which is their built-in preference.

Patton stated he would like to see a better job done with recruitment within the city, but it should be based on the best person available. He questioned if the Police Department has done some PR work and did that make any difference in recruitment.

Chief Ronnie Smith, Lawton Police Department, stated they did receive more applications. He stated they never check to see where the applicant is from, they just look at the best application. They want to hire the best.

Jackson stated he still believes that we should be able to hire for the prime paying jobs from local applicants. He requested that the hiring list be available, but asked that staff separate the general employees, police and fire. He stated when the fire department hires, it will show that the greater percentage of hires will come from outside Comanche County. He suggested that they look at the hiring advisory board that is used for the Fire Department.

Drewry suggested they not take any action at this time. She stated it is not something that is needed desperately at this time.

Herbert Derricott, 6212 NW Cheyenne Drive, stated he does not believe in preferences. They should pick the best qualified person for the job. He stated they should not go to the good ole boy system and choose one applicant over another. Some citizens have sons, daughters, wives and husbands that work somewhere else, but they may be equally qualified for a job in Lawton. They may be moving back to Lawton. If the person is qualified, they should be hired.

MOVED by Jackson, SECOND by Haywood, to approve Ordinance No. 05-101, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shanklin, Haywood, Jackson. NAY: Patton, Warren, Shoemate, Givens, Drewry. MOTION FAILED.

14. Consider approving an ordinance adopting the Lawton City Code, 2005, and declaring an emergency.

Exhibits: Ordinance No. 05-____.

Jensen stated this item is necessary simply to republish the code as required by state and local law every ten years.

Staff has received the new volumes of the City of Lawton, Oklahoma Municipal Code 2005. He stated the new code is in two volumes which will make it easier for additional supplements.

Mayor Purcell stated that if any Council members wish to have their own copy, they can pick them up in the City Clerk's office.

Warren questioned if the code book was on disk.

Jensen stated he would check with staff.

MOVED by Patton, SECOND by Shoemate, to adopt **Ordinance No. 05-101**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-101

An Ordinance adopting and enacting a code of ordinances of the City of Lawton, Oklahoma: providing for the repeal of certain ordinances not included therein, except as hereafter provided; providing for the effective date of the Lawton City Code, 2005; providing for the sale and copies in the City Clerk's Office; providing for supplements or changes to code; providing for noncodification and declaring an emergency.

15. Consider approving a resolution notifying the public of the publication of the Lawton City Code, 2005.

Exhibits: Resolution No. 05-____.

MOVED by Warren, SECOND by Haywood, to adopt **Resolution No. 05-211**. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

17. Discuss amendment to Article 7-4-1, Lawton City Code, concerning fees and provide direction to staff.

Exhibits: None.

Warren stated he is asking the City Council to direct staff to bring back changes and modifications to Chapter 7-4-1. There are things that staff would like to change, but have not had the opportunity. He would like staff to look at charging an annual fee to the alarm companies or alarm owners, but he is not married to that idea. The current code has a penalty for false alarms. The police officers are spending a great amount of time running on alarm calls and we do not currently enforce the code as far as false alarms. He believes we don't enforce the code because of staff and division changes and staff does not know whose job it actually is. He would request the City Council to allow staff to bring back staff's desires for changes to this chapter.

Drewry stated she really does not believe in charging an extra fee for this service.

Warren stated he did not know specifically what changes staff would like to make.

Shanklin questioned why Warren put this on the agenda and why did it come before the City Council.

Warren stated this is a request for staff to look at these changes.

Shanklin questioned who Warren was working with on this item.

Warren stated that more than one police officer has mentioned to him that something needs to be done about alarms.

Shoemate stated he does not want to see this charge passed on to the consumer. He questioned if the police go out every time the alarm goes off.

Warren stated that depends on the customer and the alarm company. There is an inequity between those that have alarms and those that don't. They equally pay in taxes for the services of the Lawton Police Department, but that person that does not have an alarm does not have instantaneous dispatch, which is an added service. He would like to see staff bring back what changes they would like in that chapter.

Shanklin questioned why staff hasn't brought this to the Council before.

Warren stated this all began because he called the legal division and talked with staff about this issue. The City Attorney stated that staff had mentioned that they would like to make some changes to that chapter of the code and that is as far as it ever went.

Jackson stated that he is against any additional fees or taxes. He stated thousands of people have alarms systems in Lawton. He feels it is a benefit to the police department and the alarm companies do a great job of screening calls so there is not a great number of false calls. Alarm users pay for this service.

Warren stated that the alarm company or the alarm owner is not paying for the 98% false alarms. The citizens that do not have an alarm are paying for those false alarms.

Dan Tucker, 6916 SW Beta, stated he does not agree that there is an inequity. The police officers are paid to respond to these calls. He knows for a fact that they are not pulled off another call that may have a higher priority. He would like the City Council to get out of his pocket. The Council set up a committee in 2000 to make things easier to do business with the City. One of those things was to remove from the city code the requirement for a fence permit. Staff has decided that fence permits are necessary. We need to comply with the code that we have and enforce the code for the false alarms and they will get the income that they need.

Herbert Derricott, 6212 NW Cheyenne Drive, stated he agrees with Mr. Tucker's statement get out of my pocket. He stated there is program sponsored by the Fire Department that provides fire alarms to those who cannot afford it. Is the City Council going to charge those people who cannot afford those alarms.

Mayor Purcell stated they are way off track and this has nothing to do with this program. He stated this discussion has nothing to do with smoke alarms being placed in homes.

Matt, owner of Safe and Sound Alarms, stated he is for alarm permits. He has never been in a town this size that has never had alarm permit requirements. He is happy as a business owner to take care of this alarm permit for his customers. He would not squabble at paying \$10 if it would help improve rapid response from the police department. If false alarms become an issue, response times become slower. Ten dollars will generate a lot of money that could be used for such items as a finger print data base. Tommy Harrell told him it would take \$8,000 - \$10,000 for that data base. He stated that codes are not being followed and that is the problem of alarm companies. These fees could be used to help establish a code procedure in the community. The national fire code states that alarm companies must respond within two hours to false alarms just under smoke detectors. He stated at some point the city could work with representatives from the alarm companies and look into regulating the industry.

Drewry clarified that Matt stated he would not be opposed to paying a \$10 fee for every customer and a \$25 fee for the business.

Matt stated he already has that in place in other communities. He stated \$10 is a very reasonable fee.

Shanklin questioned if this charge would be passed along to the customer.

Matt stated it is always passed along to the customer.

MOVED by Jackson, SECOND by Shoemate, to deny the request. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: Warren. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Shanklin stated he made a mistake when he said at the last council meeting the property at 27th and F was not dedicated, he stated it has been dedicated. It came back in 1969. He stated Larry Coffey called him to come out to Cameron because the students were trying to devise a way to come off of 29th Street and make a right and left turn. He was told that the city wouldn't do it because it was still Cameron's property and Cameron didn't have the money. He stated the city did do the work and did an excellent job. Mr. Coffey had wanted to give us some grants for years and the only association he had with Mr. Coffey is that he led him by the hand and took him into see Mr. Baker. Mr. Baker did cooperate and we were able to get these two projects through Mr. Coffey.

Shanklin stated the city treated 21 million gallons last August and September and 17 million gallons in November. He stated that wouldn't it be nice if we had a 30 million gallon plant right now paid for with a staff costing \$800,000 a year. This would use \$30 million in taxpayer money very prudently.

Shanklin stated a house burnt down at 16th & Dearborn. They might want to look at those fire hydrants that don't spit out any water. He questioned how many more they have out there and does the fire department know.

Mitchell stated that it wasn't a faulty fire hydrant, it was an undersized water line.

Ihler stated that we have got about 120,000 linear feet of line within the city that is 4 inch and smaller. That doesn't mean that all 120,000 of that is on a line that is inadequate fire flow, but we do have 120,000 feet of 4 inch and smaller line in the city limits.

Shanklin questioned if the fire department tests every fire hydrant at least once a year.

Ihler stated that yes they do.

Shanklin questioned why they would not tell them that the fire hydrant wouldn't put out a fire.

Ihler stated they received the feedback that that fire hydrant had very, very low flow. He stated that anything below 500 gallons per minute, the fire department uses the term as a dead fire hydrant and this particular hydrant was one of those hydrants in that area.

Shanklin stated they would just wait for something to happen where it could burn up five or six people. He questioned what they were going to do.

Ihler stated that with 120,000 linear feet, at \$50 a foot, they need to give them more money and they will get them replaced.

Shanklin stated that he understood that, but they just blew the money on the roof for the fire stations. He stated that is his point about being responsible for the money that the taxpayers give you, spend it prudently.

Shanklin stated that he still wants all the council to go by 2104 Lake and look at that property which has been taken off the D&D list and has been rehabbed. He hoped to be able to bring that to the council meeting in January. He stated they need to look at things that are more involved than just detrimental to the health and welfare of the citizens. They need to look at if the property has had any type of utilities for the past ten years. Those are things that get it on the D&D list. When they get it on the D&D list it has to be brought to code and that means you go inside of it. Our bunch doesn't say we can go inside, but Mr. Vincent said we could. He stated that they must get this revamped or do away with it.

Drewry thanked the community for stepping forward and supporting the programs at the Salvation Army. She stated they distributed 400 family bags of toys, clothes and food. She stated Lawton Cable stepped forward and provided toys to the Armed Forces YMCA, who had ran short. She stated she was proud to be a member of this community.

Mayor Purcell stated that Councilmember Drewry did a lot of work over the last few months at the Salvation Army.

COL Uberti thanked the entire community for their support. He stated on January 6th at 2:15 p.m. at the Cedar Lakes Fitness Track they will kick off the Walk for Freedom. It is the goal of family members to walk 8,000 miles in a year. He encouraged members of the community to come out and support this effort. He thanked all those emergency personnel that will be working during the holidays.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 8:00 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT